

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 14, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-32468 - APPLICANT/OWNER: LAS VEGAS RESCUE MISSION, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and Conformance to the conditions for Rezoning (Z-0087-72, Z-0067-73 and ZON-19680), Special Use Permits (U-0036-86, U-0081-99, SUP-19681 and SUP-34012), Variance (V-0019-80) and Site Development Plan Reviews [Z-0087-72(1), Z-0058-83, SD-0027-01, SDR-19679 and SDR-32467], if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 51 parking spaces where 72 parking spaces are required for an additional 65 beds within an existing Rescue Mission on 4.09 acres at 480 West Bonanza Road. The applicant is proposing to convert an existing dining facility into a living facility and convert four approved parking spaces into a loading zone, without adding any additional parking facilities. This will result in a deficit of 21 parking spaces, or a 29% deviation from the requirements of Title 19.04. Staff finds that the proposed Variance is preferential in nature as the subject property could be redesigned to replace several large loading zones with required parking spaces; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/19/65	The Board of City Commissioners approved a Rezoning (Z-0026-65) from C-2 (General Commercial) and R-4 (High Density Residential) to C-M (Commercial/Industrial) on property generally located between "E" Street to the east, "F" Street to the west, Wilson Avenue to the north, and Bonanza Road to the south. The Planning Commission recommended approval of this request.
12/13/72	The Board of City Commissioners approved a Rezoning (Z-0087-72) from R-4 (High Density Residential), C-2 (General Commercial) and C-M (Commercial/Industrial) to M (Industrial) at 500 West Bonanza Road. The Planning Commission recommended approval of this request.
08/22/73	The Board of City Commissioners approved a Rezoning (Z-0067-73) from C-2 (General Commercial) and R-4 (High Density Residential) to M (Industrial) and C-2 (General Commercial) on property generally located on the northwest corner of "E" Street and Bonanza Road.
03/20/74	The Board of City Commissioners approved a Reinstatement, Extension of Time and a Plot Plan Review [(Z-0087-72(1))] for property located at 500 West Bonanza Road. The Planning Commission recommended approval of this request.
04/24/80	The Board of Zoning Adjustment approved a Variance (V-0019-80) to allow the construction of a Women's Shelter without the required parking and setbacks.
03/26/86	The Planning Commission approved a Plot Plan Review (Z-0058-83) to allow a Thrift Store on property located at the southwest corner of "D" Street and Wilson Avenue. Staff recommended approval of this request.

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05/22/86	The Board of Zoning Adjustment approved a Special Use Permit (U-0036-86) to allow a Thrift Store in conjunction with an existing family shelter located at 614 "E" Street. Staff recommended approval of this request.
12/14/92	The City Council approved a Rezoning (Z-0078-92) from C-2 (General Commercial) and R-4 (High Density Residential) to C-2 (General Commercial) on 1.3 acres on the north side of Bonanza Road, between "D" Street and "E" Street. The Planning Commission and staff recommended approval.
07/12/99	The City Council approved a Petition to Vacate (VAC-0018-99) "E" Street (70 feet wide) and all public alleys (20 feet wide) generally located on the north side of Bonanza Road, between "F" Street and "E" Street. The Planning Commission and staff recommended approval of this request.
10/16/99	The City Council approved a Special Use Permit (U-0081-99) for a proposed 8,000 square-foot dormitory in conjunction with the existing Las Vegas Rescue Mission located at the northwest corner of Bonanza Road and "D" Street. The Planning Commission and staff recommended approval of this request.
06/29/01	The Planning Commission approved a Site Development Plan Review (SD-0027-01) for a proposed 13,619 square-foot dormitory building in conjunction with the existing Las Vegas Rescue Mission at 400 and 406 West Bonanza Road. Staff recommended approval of this request.
10/19/03	The City Council approved a Required Review (RQR-3094) of an approved Special Use Permit (U-0081-99) for an 8,000 square-foot dormitory in conjunction with the existing Las Vegas Rescue Mission at 480 West Bonanza Road. Staff recommended approval of this request.
01/17/07	The Planning and Development Department administratively approved a Reversionary Final Map (FMP-17479) of 1.56 acres located north of Bonanza Road, east of "F" Street, and southeast of Interstate 15. The map was recorded 01/25/07.
04/18/07	The City Council approved a Site Development Plan Review (SDR-19679) for a proposed 10,771 square-foot Rescue Mission and Waiver of the perimeter landscape buffer standard to allow no landscaping along portions of the north and south property lines where 15-foot wide landscape buffers are required and to allow no landscaping along the east property line where an eight-foot landscape buffer is required and a Special Use Permit (SUP-19681) for a Rescue Mission on 1.82 acres on the northeast corner of "F" Street and Bonanza Road as well as a request for a Rezoning (ZON-19680) from R-4 (High Density Residential) to M (Industrial) on 0.15 acres on the southeast corner of "F" Street and Wilson Avenue. The Planning Commission and staff recommended approval of these requests.

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09/19/07	The City Council approved a Request for a Rezoning (ZON-23472) from C-2 (General Commercial), M (Industrial) and R-4 (High Density Residential) under Resolution of Intent to M (Industrial) on 1.82 acres at the northeast corner of Bonanza Road and F Street and a Petition to Vacate (VAC-23034) portion of a 20-foot wide sewer easement generally located north of Bonanza Road and east of "F" Street. The Planning Commission recommended approval of these requests.
<i>Related Building Permits/Business Licenses</i>	
c. 1945	Original building was constructed at 480 West Bonanza Road.
08/02/96	Building permits for a guardhouse, entry gates and a block wall (#96015666) and a 90-foot block wall (#96015667) was issued for at 480 West Bonanza Road. The permits received final approval on 09/04/96 and 08/16/96, respectively.
07/08/02	Building permits for onsite improvements/hardscapes (#02012229) and a new building (#02012228) were issued at 404 West Bonanza Road. The permits received final approval 02/07/03.
12/17/03	A business license (#Q07-00544) was issued for a medical firm at 403 West Wilson Avenue. The license is currently active.
11/22/05	A business license (#R18-00003) was issued for a homeless shelter at 480 West Bonanza Road. The license is currently active.
01/23/06	A business license (#N33-00001) was issued for a non-profit community health center at 403 West Wilson Avenue. The license is currently active.
10/09/07	A business license (#N36-00001) was issued for a non-profit thrift store at 480 West Bonanza Road. The license is currently active.
10/19/07	A business license (#R18-00003) was issued for a homeless shelter at 480 West Bonanza Road. The license is currently active.
02/28/08	A building permit (#109359) was issued for site grading at 480 West Bonanza Road. The permit is currently active.
08/28/08	Building permits were issued for a new building certificate of occupancy (#120360), onsite hardscapes (#120361) and a trash enclosure (#120362) at 480 West Bonanza Road. The permits are currently active.
03/18/09	A building permit application (#135798) was submitted for a 35-foot long, six-foot high block wall at 480 West Bonanza Road.

<i>Pre-Application Meeting</i>	
11/24/08	<p>The following issues were discussed at the pre-application meeting:</p> <ul style="list-style-type: none"> • Parking required for the site. • Conversion of an existing building into a sleeping facility. • Any additional site changes as a result of the requests. • The submittal requirements of a Site Development Plan Review, Variance, Special Use Permit and Rezoning for the proposed redevelopment/remodeling project were also discussed.

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<i>Neighborhood Meeting</i>
A neighborhood meeting was not held, nor was one required.

<i>Field Check</i>
04/09/09
A field check was conducted by staff at the subject property. An existing rescue mission and thrift store was noted on the subject property. Construction consisting of site grading, a dining hall and a parking lot, approved through Site Development Plan Review (SDR-19679) were noted on the west half of the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.09 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Rescue Mission & Thrift Store	LI/R (Light Industry/Research)	C-2 (General Commercial) and M (Industrial)
North	I-15 Right-of-Way	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Storage	LI/R (Light Industry/Research)	M (Industrial)
East	Warehouse	LI/R (Light Industry/Research)	M (Industrial)
West	Auto Repair Shop	LI/R (Light Industry/Research)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District			N/A
Development Impact Notification Assessment			N/A
Project of Regional Significance			N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size			N/A
Min. Lot Width	100 Feet	640 Feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 10 Feet 15 Feet 20 Feet	0 Feet 5 Feet 5 Feet 0 Feet	Y*
Max. Lot Coverage	50%	< 50%	Y
Max. Building Height	N/A	35 Feet	Y
Trash Enclosure	Y	Y	Y
Mech. Equipment	Screened	Screened	Y

* Existing buildings were previously approved by City Council with reduced setbacks. No new buildings or building expansions are being sought at this time.

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	105 Feet	436 Feet	Y
Trash Enclosure	50 Feet	436 Feet	Y

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	8 Trees	8 Trees	Y
Buffer:				
Min. Trees	1 Tree/ 30 Linear Feet	38 Trees	19 Trees	Y*
TOTAL		46 Trees	27 Trees	Y*
Min. Zone Width	0 Feet		0 Feet	Y

* Site Development Review (SDR-19679) was approved with landscape waivers. No change in landscape is being proposed.

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Parking Requirement									
Use	Gross Floor Area or Number of Units	Required Per Current Title 19.04 Standards			Existing		Proposed Through SDR-32467		Compliance
		Parking Ratio	Parking		Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	Regular	Handi-capped	
Rescue Mission	157 Existing Beds	1 space per 4 Beds	40		12		8		
	65 Proposed Beds (SDR-32467)	1 space per 4 Beds	17		Not a part of existing site		0		
Thrift Store	8,996 SF	1 space per 250 SF	36		36		36		
Existing Storage	6,765 SF	1/1000 SF	7		7		7		
SubTotal			96	4	53	2	47	4	
TOTAL			100		55		51		N*
Parking Space Deviation					-28 From Title 19.04		-49 From Title 19.04; -21 From Existing		
Percent Deviation					45% reduction in required 19.04 spaces		49% reduction in required 19.04 spaces; 29% from existing		
Loading Spaces			1		1		1		Y

* The applicant has requested this Variance to allow 51 parking spaces where 72 are required.

ANALYSIS

This is a request for a Variance to allow 51 parking spaces where 72 parking spaces are required for an additional 65 beds within an existing Rescue Mission on 4.09 acres at 480 West Bonanza Road. The applicant is proposing to convert an existing dining facility into a living facility and convert four approved parking spaces into a loading zone, without adding any additional parking facilities at a site that is already considered to be parking impaired. The conversion of the dining facility into a living facility will require 17 additional parking spaces while the conversion of four parking spaces to a loading zone will result in an overall parking deficit on the property of 21 spaces. This represents a 29% deviation from the requirements of Title 19.04.

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The site plan submitted indicates two large existing loading zones on the west half of the site and a large paved area on the east half of the site. These areas could be redesigned to accommodate required parking and necessary loading zones without the need for the proposed Variance. Staff finds that the proposed Variance is preferential in nature in that the site provides ample room to provide required parking; therefore, denial of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by expanding the existing use on site thereby increasing the amount of parking spaces required. Allowing the use to remain in its existing configuration would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 96

APPROVALS 0

PROTESTS 1